of child, and he is sole beneficiary, his contributory negligence is a good defence. *Bamberger* v. *Citizens' St. R. Co.*, 31 S. W. Rep. 163 (Tenn.). See NOTES.

TORTS — UNFAIR COMPETITION — FRAUDULENT SIMULATION. — Declaration that defendant in adopting a particular style of wrapper and in labelling his wares "Thedford & Co.'s Black Draught," intended to and did trick the public into buying defendant's medicine in the belief that they were purchasing a medicine of plaintiff's manufacture which was put on the market in similar wrappers, and labelled "Thedford's Black Draught." Defendant demurred. *Held*, overruling the demurrer, a plaintiff has a right of action against a defendant who intentionally tricks plaintiff's customers into buying defendant's wares in the belief that they are of plaintiff's manufacture. *Thedford Medicine Co.* v. *Curry*, 22 S. E. Rep. 661 (Ga.).

The principle here applied is not a new one, nor even a new application of an old principle. It is the same principle and the same application of it by virtue of which the common law protected the use of trademarks before their use was protected by statute. Lord Blackburn in *Manufacturing Co.* v. *Loog*, 8 Appeal Cases, 15, at 29, 30. Plaintiff's right which defendant has violated is not a right to the exclusive use of a particular name or a particular kind of wrapper for his wares; "his right is to be protected against fraud, and fraud may be practised against him by means of a name, though the person practising it may have a perfect right to use that name provided he does not accompany the use of it with such other circumstances as to effect a fraud upon others." Lord Langdale in *Croft* v. *Day*, 7 Beav. 84, at 88. This principle and its application to cases not distinguishable from the principal case are well established in England and America. *Perry* v. *Truefett*, 6 Beav. 66; *Blofield* v. *Payne*, 4 Barn. & Ad. 410; *Sykes* v. *Sykes*, 3 B. & C. 541; *Lee* v. *Haley*, 5 Ch. Appeals, 155; *Stone* v. *Carlan*, 13 Law Reporter, 360; *Nail Co.* v. *Bennett*, 43 Fed. Rep. 800; *Manufacturing Co.* v. *Manufacturing Co.*, 138 U. S. 537, at 549. See also 4 HARVARD LAW REVIEW, 321; 5 HARVARD LAW REVIEW, 139.

REVIEWS.

THE MIRROR OF JUSTICES. Edited for the Selden Society by William Joseph Whittaker, with an Introduction by Frederic William Maitland. London, 1895.

The chief value of this publication is the proof it gives that the "Mirror" is valueless. This book had been freely cited by Coke and other lawyers of the sixteenth and seventeenth centuries; and Judge Gray not long ago considered at length an extract from it in the very important case of *Briggs* v. *Light Boats*, 11 All. 157. It is therefore well worth while to have its unreliability established; and that this is done will appear from the following statements in the Introduction: "Our author's hand is free, and he is quite able to do his lying for himself, without any aid from Geoffrey of Monmouth or any other liar. He will not merely invent laws, but he will invent legislators also; for who else has told us of the statutes of Thurmod and Leuthfred? The right to lie he exercises unblushingly. . . . Religion, morality, law, these are for him all one; they are for him law. . . . That he deliberately stated as law what he knew was not law, if by law we mean the settled doctrines of the King's court, will be sufficiently obvious to any one who knows anything of the plea rolls of the thirteenth century. . . . One word is wanted to make this true; the word 'not.' Our author knows that as well as we know it." All this is as true as it is vigorous, and it is evident that a book of which such things can be said is not one to be rashly used as authority.

It is not true, however, that the whole book is false. The greater part of it probably is sound, and some important statements of law for which there is no other direct authority are no doubt true. But it would require more labor to separate true from false than the result would be worth. With most of the old rolls and the Year Books for the whole reign of Richard II. yet to be published, students of legal history can devote their time to more profitable studies than that of the Mirror.

Professor Maitland gives much space to a consideration of the authorship of the treatise, and is inclined on the whole to acquit Andrew Horn, though not without grave doubt. His conjecture is that some young man, at a time when a great judicial scandal had just come to light, wrote this as a serio-comic attack on judges in general, and laughed in his sleeve at the result. "We guess that he wanted his readers to believe some things that he said. We can hardly suppose him hoping that they would believe all. We feel sure that in Paradise, or wherever else he may be, he was pleasantly surprised when Coke repeated his fictions as gospel truth, and erudite men spoke of him in the same breath with Glanvill and Bracton. That is just what he wished."

One more guess will do no harm; and though not so diverting as this, and more commonplace, it is at least possible. The great unevenness of the book is apparent; part is true, part is grossly false. Professor Maitland points out also the contradiction between different passages. Now the author writes as a cleric, now as a layman; now as a supporter of the King, now of the nobles; now as a Londoner, now as one opposed to the franchises of the city. May it not be that some young man of more zeal than knowledge got together from all possible sources such scraps of law as he could, and pieced them together? We may assume that such a youth had two or three notions, held with all the tenacity of ignorance, which appear as the two or three "leading motives" of the book. At this time, during the prosecution of the judges, all sorts of stories were of course flying about, such as nowadays would get into the newspapers; and the singular notions of law now often found among intelligent laymen must have been more common and more singular. These stories and notions would be grist for our young man's mill.

Whether we insist on our own guess or not, we must all agree that Professor Maitland's Introduction is a gem, — as perfect in its way as his Introduction to Bracton's Note Book, and its way is most diverting. One reader, at least, thinks the want of value in the Mirror itself much more than compensated by the clever comments to which it has given rise. We could better spare a much better book than the Mirror with this bright appurtenance. J. H. B.

THE CONSTITUTION OF THE UNITED STATES AT THE END OF THE FIRST CENTURY. By George S. Boutwell. Boston, U. S. A.: D. C. Heath & Co. 1895. pp. xviii, 412. Small 8vo. cloth, $3.50.

"An examination of the authorities," says Governor Boutwell, "justifies and renders unavoidable the conclusion that the Constitution of the United States in its principles and in its main features is no longer the subject of controversy, of debate, or of doubt." "This is the only book," say his publishers in their accompanying circular, "in which the line between State sovereignty and the national supremacy of the government is marked distinctly." These two quotations show better the tone